REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 24-31 are new.

Claim 24 is supported at least by specification page 3, lines 18-25, claim 25 by page 7, lines 20-35, claim 26 by page 7, lines 4-9, claim 27 by page 7, lines 10-14, claim 28 by claim 3, claim 29 by claim 7, claim 30 by claim 5, and claim 31 by claim 18.

Claims 1, 3, 7, 10, and 21-23 were rejected as obvious over YASUSHI 6,048,310 in view of CARNES WO 00/52604.

Claims 4, 5 and 18 were rejected in further view of ANDERSEN 5,568,126.

Claims 6 and 8 were rejected in further view of OSORIO 6,549,804.

Claim 1 has been amended. The Official Action states that YASUSHI discloses an information distribution device comprising at least one loudspeaker; monitoring means including measuring means for obtaining measurements in the system; said measuring means comprising at least one sensor which is connected to the monitoring means and is non-invasively connectable to the user.

However, the Official Action acknowledges that YASUSHI fails to disclose a global control means as filed. CARNES discloses a global means operatively connected to control the local control means via a communication network and the global control means are adapted to receive the change of the somatic phenomenon sent from the local control means.

In claim 1, the change of the somatic phenomenon is received by the global control means. See that claim 1 specifically recites " global control means (52), operatively connected to control the local control means (10, 100) via a communication network (40) and adapted to - receive said change of the somatic phenomenon which is sent from the local control means (10, 100),"… .

According the Official Action, said change is analyzed by using "a meter suitable to meter activity and the ability of the user (user profile and various web pages read on meter; page 8, lines 7-13; page 13, line 22-page 14, line 8)".

Claim 1 has been amended to recite the *meter* more specifically. Now amended claim 1 defines the meter as follows: said change is analyzed by using a meter *resulting in a scalar quantity describing activity and ability of the user.*

Neither reference teaches such a system. As to CARNES, a Web page or a questionnaire included in the Web page does not satisfy the meter defined in amended claim 1. On page 14, lines 7-8, CARNES teaches that "the raw data collected by and received from client computers are normalized…". However, this kind of "normalization" differs from the use of the meter in sense of the amended claim 1. See that CARNES continues the above-mentioned sentence: "…to monitor and report inter-user statistics on the collected data". Thus, the "normalization" is not either the same thing than the meter of claim 1, or the use of said meter.

In the text lines cited in the Official Action, CARNES discusses about making the inter-user statistics. Claim 1 of the application does not relate to statistics. The meter is used to obtain the scalar quantity describing activity and ability of the user. This scalar quantity is needed in the analysis on the basis of which the system selects at least one new audio file.

CARNES does not teach or suggest what is now recited.

In addition, CARNES is silent about selecting *new audio files* and sending them to the local control means to be stored in the information database.

Thus, even if the teachings of YASUSHI and CARNES are combined, the combination result essentially differs from the system described in the amended claim 1, therefore not rendered the claim obvious.

Reconsideration and allowance of claim 1 are respectfully requested.

Regarding claims 3 and 28, although YASUSHI mentions in Figure 2B a heartbeat sensor, a pulse sensor, a brain wave sensor, and a perspiration sensor, measuring the brain wave corresponds to measuring EMG, EEG, or EKG, but YASUSHI doesn't mention measuring of resident's temperature, blood pressure, and frequency of respiration.

Regarding claim 7, although YASUSHI discloses movements of the user when the movements concerns whether the resident is in the room, lying in the bed, sitting in a chair or on the floor, or walking, this type of movement of the user is detected by state sensors 11-14 (Fig. 2A), not by biosensors 21-24 (Fig. 2B) mentioned in the Official Action. Claim 7 also concerns detecting movements of the user's eyes. YASUSHI and CARNES fail to teach detecting this type of movements of the user.

Regarding claim 22, on the cited text lines (page 8, lines 7-13; page 13, line 22 - page 14, line 8), CARNES discloses Web pages which a user can download to an input device and then fill questionnaires included in the downloaded Web pages. In addition, CARNES discloses a user profile database that includes attributes for each user. Those attributes are possibly obtained from objective physiological measures, subjective physiological measures, and/or physiological objectives.

In other words, CARNES discusses user data. A user may fill a questionnaire and assess by means of the filled questionnaire his/her own condition. However, the questionnaire is not a resident assessment instrument (RAI). RAI is not a self-assessment tool. RAI is described in the application (page 12, lines 24 - 26) as follows: "The RAI index, for example, can be used as a meter for the activity of the customers, in which case a clear scalar quantity is obtained for the activity and ability."

Thus, RAI is an example of a meter that provides a scalar quantity for measuring the user data. In more detail, RAI index measures the activity and ability of the customers.

Each of the dependent claims is believed allowable at least for depending from an allowable claim. The above mentioned claims are further distinguished for the reasons discussed.

Withdrawal of the YASUSHI and CARNES obviousness rejection is therefore solicited.

YASUSHI, CARNES, and ANDERSEN would not render obivous claims 5 and 18.

ANDERSEN discloses a device which is termed "surrounding conditions recorder" (50; Figure 4)(column 5, lines 10-30). This device is responsive to the physiological condition monitoring system (10). In claim 4 of the application, the monitoring means include observation means (15) for measuring the state of the environment of the user. Claim 4 concerns, for example, to lightning, temperature, air conditioning, door locking, and/or noice filtering (Figures 2 and 3).

In ANDERSEN the surrounding conditions recorder (50) does not measure the state of *the environment* of the user. ANDERSEN discusses about fear that is an emotion experienced by the monitored person. The fear does not relate to the state of the environment of the user.

Claims 5 and 18 of the application recite regulating the environment of the user. YASUSHI, CARNES, and ANDERSEN fail to disclose claims 5 and 18 when the environment of the user relates to lightning, temperature, air conditioning, door locking, and/or noice filtering. Note that new claims 30-31 are more specific and are limited wherein regulation means (16) for regulating the state of the non-audio environment of the user, whereby the control means are adapted to control the regulation means.

This rejection should also be withdrawn.

Allowance of all the claims is solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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